



be filed at the commencement of an action, in many cases the motion will be premature until the nonmovant has had time to file a responsive pleading or other pretrial proceedings have been had.”).

The law of this Circuit provides that, as a general proposition, “the party opposing a motion for summary judgment should be permitted an adequate opportunity to complete discovery prior to consideration of the motion.” *Jones v. City of Columbus, Ga.*, 120 F.3d 248, 253 (11<sup>th</sup> Cir. 1997) (citations omitted); *see also Dean v. Barber*, 951 F.2d 1210, 1214 (11<sup>th</sup> Cir. 1992) (“A party opposing summary judgment should be given the opportunity to discover information relevant to the summary judgment motion.”); *Snook v. Trust Co. of Georgia Bank of Savannah, N.A.*, 859 F.2d 865, 870 (11<sup>th</sup> Cir. 1988) (“summary judgment should not be granted until the party opposing the motion has had an adequate opportunity for discovery”); *Baucom v. Sisco Stevedoring, LLC*, 506 F.Supp.2d 1064, 1067 n.1 (S.D.Ala.2007) (reciting general rule); *Sideridraulic System SpA v. Briese Schifffahrts GmbH & Co. KG*, 2011 WL 3204521, \*3 (S.D. Ala. July 26, 2011) (denying motion for summary judgment as premature where movant had made no showing to justify timing of motion filed just 40 days after entry of Rule 16(b) Scheduling Order). Absent extraordinary circumstances (which have not been shown here), this Court will not permit plaintiffs to exact an improper, unfair strategic advantage by placing defendants behind the eight-ball of a comprehensive Rule 56 motion briefing schedule less than 72 hours after they were served with process, and without the benefit of any discovery.

For the foregoing reasons, the Motion for Summary Judgment (doc. 7) is **denied**, without prejudice to plaintiffs’ ability to refile the Motion at an appropriate time, with due regard to the Federal Rules of Civil Procedure, the aforementioned line of authorities, and basic notions of fairness. Although summary judgment motions may be filed at an early stage of the litigation in appropriate circumstances, they are not properly deployed as a tool to ambush unwitting defendants who are getting their feet wet and orienting themselves in a newly-filed case.

DONE and ORDERED this 10th day of January, 2013.

s/ WILLIAM H. STEELE  
 CHIEF UNITED STATES DISTRICT JUDGE